



CITY OF MEMPHIS

COUNCIL AGENDA

June 6, 2017

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to actively participate in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Council Administrator of the Memphis City Council.

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (May 23, 2017)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS (None)

PUBLIC HEARING

1. RESOLUTION approving a planned development appeal, located on the north side of Winchester Road, opposite Malco Way (7064 Winchester Road), containing 0.56 acre.
Colvett Chairman, Planning & Zoning Committee This resolution is sponsored by the Office of Planning and Development. (Held from 4/25).
Case No. PD 93-352

Appellant: David Hutchenson – Saddle Peak, LLC

Request: Overturn the decision of the Land Use Control Board on 02/09/17 which approved an east-west ingress/egress easement along the

front of the Hardee's site paralleling Winchester Road to provide reciprocal access between the Hardee's lot and Chick-fil-A lot as part of the site plan approval for a new Hardee's Restaurant

LUCB and OPD recommendation: APPROVAL of the proposed easement

ACTION REQUESTED: Take whatever action Council deems advisable

DIVISION OF PLANNING AND DEVELOPMENT (None)

ZONING ORDINANCE-THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

2.

Morgan
Chairman,
Public Safety
& Homeland
Security
Committee

ORDINANCE to create regulations dealing with immobilization of motor vehicles by booting, up for S E C O N D reading. Ordinance No. 5654 is sponsored by Councilman Jones.

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING

3.

Colvett
Chairman,
Planning &
Zoning
Committee

ORDINANCE rezoning the Southwest corner of Appling Road and Reese Road, containing 6.13 acres in the Commercial Mixed Use (CMU-1) District, up for S E C O N D reading. Ordinance No. 5653 is sponsored by the Office of Planning and Development.

Case No. Z 17-03
Ordinance No. 5653

Applicants: TN DMO Property Holdings, LLC
The Reaves Firm, Inc.

Request: Commercial Mixed Use (CMU-3) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

4. RESOLUTION approving the contract for W.V. COUCH SEWER EXTENSION.
Contract No. CR-5256

Resolution approves the contract located at 5600 Old U.S. Hwy 78. Cost of the required improvements to be shared between the City of Memphis and the Developer. Resolution also authorizes the proper officials to execute the attached sewer extension contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD (None)



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FISCAL CONSENT AGENDA

5. RESOLUTION accepting additional grant funds in the amount of \$7,842.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIOA Adult Program. This resolution is sponsored by Workforce Investment Network.

Jones
Chairman,
Economic
Development &
Tourism Committee

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION accepting additional grant funds in the amount of \$9,162.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIOA Dislocated Worker Program. This resolution is sponsored by Workforce Investment Network.

Jones
Chairman,
Economic
Development &
Tourism Committee

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

7. RESOLUTION awarding a purchase order to Vermeer Midsouth, Inc., for the purchase of a mini-skid steer, in the amount of \$51,770.00.
8. RESOLUTION awarding a purchase order to AutoNation Ford Memphis, for three 1-ton cab and chassis trucks with aerial towers, in the amount of \$344,117.70.
9. RESOLUTION approving Change No. 2 to Contract No. 11882, Mallory Pumping Station Valve and Pipe Replacement, with Landmark Construction General Contractors, Incorporated, in the funded amount of \$186,950.00. (This change is to expand the scope to include the installation of a complete new vacuum priming system including the pumps, tank, piping system, valves and all related appurtenances. In change is to extend the current contract term through December 31, 2017 to allow time for the work to be completed.)
10. RESOLUTION awarding a thirty-six month purchase order to Vertex Chemical Corporation, for sodium hypochlorite, in the amount of \$1,218,000.00.
11. RESOLUTION awarding a twenty-four month purchase order, to Universal Scaffold and Equipment, LLC, for approximately 28,000 feet of PILC (paper-insulated lead covered) power cable, in the amount of \$1,228,144.00.
12. RESOLUTION approving Change No. 3 to Contract No. 11554, Maintenance and Security Automation Service Agreement, with Access Control Integration (ACI), in the not-to-exceed funded amount of \$100,000.00. (This change is to renew the current contract for the third and final renewal term covering the period July 10, 2017 through July 9, 2018, with no increase in pricing. In addition, this change is to add the following items: 1) EIK-M1GSYS4STW; and 2) ELK-M1GSYS4 in the funded amount of \$1,573.00).
13. RESOLUTION approving Change No. 3 to Contract No. 11669, Property and Boiler Insurance, with Factory Mutual Insurance Company (FM Global), in the funded amount of \$1,032,957.00. (This change is to renew the current contract for the third of four annual renewal terms covering the period June 1, 2017 through May 31, 2018. This renewal reflects a 1% net premium increase from the previous year. MLGW received a 15% membership credit resulting from less claim loss experience globally from natural disasters. FM Global is a mutual insurance company, which is owned entirely by its policyholders. Any profits earned by a mutual insurance company are

rebated to policyholders in the form of dividend distributions or reduced future premiums or membership credit.) “SAME NIGHT MINUTES REQUESTED”

14. RESOLUTION approving Change No. 4 to Contract No. 11090, Serena Master License Agreement, with Serena Software, Incorporated, in the funded amount of \$158,865.18. (This change is to renew the current contract for annual software maintenance and support services for three years for the period covering July 29, 2017 through July 28, 2020. This renewal reflects a negotiated 4% increase, from an originally submitted 12%, from the previous renewal based on the company’s pricing module. MLGW is requesting continuous maintenance of the acquired system, which can only be performed by Serena Software, Incorporated.)
15. RESOLUTION approving Change No. 5 to Contract No. 11296, Enterprise GIS Software Selection and Installation, with Environmental System Research Institute (ESRI), in the funded amount of \$41,310.00. (This change is to add the following licenses: 1) Pipeline Referencing for Desktop Single Use - two licenses; and 2) ArcGIS Pipeline Referencing Server Extension - one license). The contract term will remain through December 30, 2019. This change is needed for implementation of Gas Transmission Pipeline Tracking and Traceability Projects for the Gas Regulatory Compliance Department. MLGW is requesting approval of continuous maintenance of the acquired system, which can only be performed by ESRI.)
16. RESOLUTION awarding a purchase order to Thomas Consultants, Inc., for VMWare maintenance and support, in the amount of \$69,802.20.
17. RESOLUTION awarding a twenty-four month purchase order to Mitchell Graphic Repair, Inc., to cover maintenance for printing equipment, in the amount of \$46,268.00.



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REGULAR AGENDA

BUDGET

18. RESOLUTION approving the FY2018 Budget for the Downtown Memphis Commission. This resolution is sponsored by Finance Division.
Ford
Chairman,
Budget
Committee
ACTION REQUESTED: Adopt the resolution
19. RESOLUTION directing the City Treasurer to prepare Tax Bills for the various Utilities and Carriers utilizing the last Certified Assessment available as of June 30, 2016. This resolution is sponsored by Finance Division.
Ford
Chairman,
Budget
Committee
ACTION REQUESTED: Adopt the resolution
20. RESOLUTION approving the Capital Acquisition Budget and the Capital Improvement Program for Fiscal Years 2018-2022. This resolution is sponsored by Finance Division.
Ford
Chairman,
Budget
Committee
ACTION REQUESTED: Adopt the resolution
21. RESOLUTION establishing the Certified Tax Rate for the City of Memphis and declaring the amount of the certified rate for the City of Memphis to the provision of Tennessee Code Annotated, 67-5-1701, et seq. This resolution is sponsored by Finance Division.
Ford
Chairman,
Budget
Committee
ACTION REQUESTED: Adopt the resolution
22. **ORDINANCE** to appropriate the proceeds of the tax levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2017 through June 30, 2018, up for T H I R D and F I N A L reading. Ordinance No. 5647 is sponsored by Finance Division.
Ford
Chairman,
Budget
Committee
ACTION REQUESTED: Take whatever action Council deems advisable

23. **ORDINANCE** to fix the Tax Rate of the City of Memphis for Fiscal Year 2018, up for T H I R D and F I N A L reading. Ordinance No. 5648 is sponsored by Finance Division.
- Ford
Chairman,
Budget
Committee
- ACTION REQUESTED: Take whatever action Council deems advisable

GENERAL ORDINANCES – THIRD AND FINAL READING

24. **ORDINANCE** to amend City of Memphis, Code of Ordinances, Title 9, Section 9-56-11 to revise Solid Waste Fees for Collection and Disposal, up for T H I R D and F I N A L reading. Ordinance No. 5649 is sponsored by the Finance Division
- Ford
Chairman,
Budget
Committee
- ACTION REQUESTED: Take whatever action Council deems advisable
25. **ORDINANCE** to amend Chapter 33, Article IV, Division III, Section 33-264 (D) of the City of Memphis Code of Ordinances to amend the Stormwater Fee, up for T H I R D and F I N A L reading. Ordinance No. 5650 is sponsored by Public Works Division.
- Ford
Chairman,
Budget
Committee
- ACTION REQUESTED: Take whatever action Council deems advisable
26. **ORDINANCE** to amend Chapter 33, Article III, Section 33-131 (b) (e) and 33-156 (g) of the City of Memphis Code of Ordinances to amend the Sanitary Sewer Volumetric Fee, up for T H I R D and F I N A L reading. Ordinance No. 5651 is sponsored by Public Works Division.
- Ford
Chairman,
Budget
Committee
- ACTION REQUESTED: Take whatever action Council deems advisable
27. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to amend Section 25-200 of the 1978 Plan to add subparagraph (1) to allow for limited suspension of the DROP Program by qualifying participants and to add subparagraph (J) to allow an extension of the DROP suspension period for qualifying participants, up for T H I R D and F I N A L reading. Ordinance No. 5652 is sponsored by the Human Resource Division.
- Boyd
Chairman,
Executive
Session
- ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

INFORMATION SERVICES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

DIVISION OF PARKS AND NEIGHBORHOODS (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS

28. RESOLUTION supporting Memphis Veterinary Specialists, LLC's the opportunity to purchase 0 Autumn Avenue further described as Parcel #037039 00017, for \$500.00. Memphis Veterinary Specialists, LLC is an adjoining property owner. This resolution is sponsored by Real Estate Division. (Held from 4/25; 5/9; 5/23).

Hedgepeth
Chairman,
Public Works,
Transportation
& General
Services
Committee

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION transferring and appropriating construction funds in the amount of \$489,685.00, to repair approximately 240 linear feet of failing concrete retaining wall and concrete channel bottom in Cypress Creek. This resolution is sponsored by Public Works Division.

Hedgepeth
Chairman,
Public Works,
Transportation
& General
Services
Committee

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION appropriating construction and architectural/engineering funds for Macon Road Bridge replacement, ST03185 - \$167,605.00 Grant Funds, \$832,395.00 Grant Funds and \$80,000.00 Storm Water Funds, for a total amount of \$1,080,000.00. This resolution is sponsored by Public Works Division.

Hedgepeth
Chairman,
Public Works,
Transportation
& General
Services
Committee

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION appropriating \$700,000.00 in General Obligation Bond funds for the Railroad Crossing/ADA Imprv, project GA01018. These funds will provide the required local match for traffic signal installation and railroad crossing improvements at Court Avenue, required by 23 CFR 646.214 (b) (2), in relation to the construction of

Hedgepeth
Chairman,
Public Works,

Transportation & General Services Committee Cobblestone Landing, project GA01004. This resolution is sponsored by Engineering Division.

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION approving a Lease Agreement with Maxim Crane Works, LP, as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission, on April 19, 2017. This resolution is sponsored by Port Commission.

Contract No. CR-5257

Hedgepeth
Chairman,
Public Works,
Transportation

& General
Services Committee

ACTION REQUIRED: Adopt the resolution

GENERAL ITEM

33. RESOLUTION approving supplemental funding to the FY17 Operating Budget and authorizing up to \$3,000,000.00 for the Public Works Division to provide Storm Response and Cleanup and up to \$3,000,000.00 from the Reserve Fund for Storm Debris Removal. This resolution is sponsored by Chairman Boyd.

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

34. RESOLUTION amending the FY17 Executive Division operating budget to accept grant revenues from the Valero Energy Company and SKB Company, to support the City of Memphis' Memphis in May costs, in the amount of \$6,000.00. This resolution is sponsored by the Executive Division.
- Ford
Chairman,
Budget
Committee

Fiscal Consent

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION accepting and appropriating grant funds, in the amount of \$710,982.00 from FEMA, for direct capture vehicle exhaust systems for the City Fire Stations. This resolution is sponsored by Fire Services.
- Morgan
Chairman,
Public Safety &
Homeland
Security Committee

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION transferring ownership of one (1) 1999 Dodge Passenger Van, to the Hospitality Hub of Memphis. This resolution is sponsored by Public Works Division.
- Hedgepeth
Chairman,
Public Works,
Transportation &
General Services
Committee

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION establishing a cash catalyst grant fund for the proposed Whitehaven YMCA Indoor Pool Facility, in the amount of \$500,000.00. This resolution is sponsored by Councilwoman Robinson.
- Ford
Chairman,
Budget
Committee

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Held until August 22, 2017
2. Through 17 – Approved
18. Held until September 5, 2017
19. Approved
20. Approved, as amended
21. Approved
22. Approved, as amended
23. Approved
24. Dropped
25. Through 27 - Held until June 20, 2017
28. Approved, as amended
29. Through 37 – Approved

ADD-ONS CONT.

ACTION TAKEN BY COUNCIL ON THE MINUTES OF MAY 23, 2017

Approved, as amended (Item #1's Minutes was held until June 20, 2017; Item #24 was amended)

ACTION TAKEN BY COUNCIL ON THE MINUTES OF ITEMS #5, #6, #13, #19, #20, #21, #22, #30, #33, #34, #35, #36, #37 and Special Item #1 – EDGE, FROM TONIGHT'S MEETING

Approved